

Meeting Notes from the
Blue Ribbon Committee on Shoreline Management
January 17, 2012

The Blue Ribbon Committee (BRC) on Shoreline Management met on Tuesday, January 17, 2012 in the Gressette Building, Room 406, Columbia, S.C. (Attachment 1)

CALL TO ORDER: The meeting was called to order by BRC Chairman Wes Jones, at 9:15 am. The following members were in attendance:

Mac Burdette
Paul Campbell
Josh Eagle
Elizabeth Hagood
Bill Herbkersman
Wes Jones
Nick Kremydas
Bill Otis
Tom Peeples
Bob Perry
Rob Young

Also in attendance were DHEC-OCRM staff and members of the media and public. (Attachment 2)

Mr. Jones stated that in accordance with the SC Freedom of Information Act (FOIA), broadcast and print media were notified of this January 17, 2012 meeting of the BRC. Additional notices were posted at Department offices and on the website.

Mr. Jones stated that there were enough members of the committee in attendance to establish a quorum. He asked the committee to agree to revise the agenda to hear public comment as the first matter, and to address issues of old business prior to staff presentations.

PUBLIC COMMENT PERIOD:

Paul Blust, Zoning Administrator, City of North Myrtle Beach

Mr. Blust provided aerial photographs illustrating the existing state jurisdictional lines along areas of North Myrtle Beach. He requested that these documents be submitted for the record and for the committee's consideration in discussions of the setback area.

Representative Michael Sottile, District 112, Charleston County

Representative Sottile stated that he had been in contact with members of the Coastal Mayors' Coalition in Charleston County regarding the state's policy of retreat. He referenced his public comment letter and the one submitted by the Coalition. (Attachment 3) Representative Sottile indicated that he supported the Coalition's position to replace the word "retreat" with the word "preservation" in state statute and regulation, given the developed nature of the beachfront in Charleston County.

A public comment letter was also received from the Coastal Alliance dated January 6, 2012. The letter was provided to the committee members at the meeting. (Attachment 3)

In addition to public comment, members of the BRC provided documents for the record. (Attachment 3)

OLD BUSINESS:

The Chairman indicated a need to correct voting procedures that were captured in the October 4 meeting notes for the motion regarding the retreat policy. The notes indicated that the motion had not passed as an official recommendation of the committee because it did not receive two-thirds vote of the quorum. He concluded that the vote passed by a 2/3 majority with six committee members voting in favor of the motion, three members voting against and two abstaining. The motion for the following is an official recommendation of the committee: To replace language regarding the policy of retreat with the following: *The policy of the state of South Carolina is the preservation of its coastal beachfront and beach/dune system..* He asked the committee to consider this ruling from the chair.

A motion was made, and seconded, to affirm the ruling and amend the minutes to reflect the clarification that the above motion was an official recommendation of the committee. *The motion passed.*

Mayor Otis presented the committee with a handout that illustrated replacement language for the word retreat within the state statute based on the recommendation. (Attachment 4)

Mayor Otis noted in the October 27 meeting notes that he requested additional information on the effects of the vote regarding construction on renourished beach under a special permit. He reiterated his concern that the recommendation not establish a prohibition on construction on renourished beach. Ms. Boltin-Kelly stated that the agency could not draft specific regulatory language as requested because of rules under the Administrative Procedures Act. However, she indicated that it was staff's understanding that the recommendation established a condition to be considered when evaluating an application for a special permit but did not establish a prohibition.

ACTION ITEM:

Approval of October 4, 2011 and October 27, 2011 meeting notes

It was moved, and seconded, to approve the revised notes of the October 4 meeting based on the earlier discussion and vote, and the notes of the October 27 meeting. *The meeting notes were approved.*

BACKGROUND INFORMATION:

BRC Status - Presentation by Carolyn Boltin-Kelly, Deputy Commissioner DHEC-OCRM

Ms. Boltin-Kelly provided an overview of the discussions and recommendations of the BRC to date. She reminded the committee that the original work plan concluded BRC meetings in January 2012, and requested that the committee consider extending meeting dates until June to allow for additional topics to be discussed. Ms. Boltin-Kelly indicated that of the remaining topics, DHEC-OCRM's priority would be "Emergency Orders and Sandbag Issues". She also suggested a meeting to discuss the "Roles of Local Governments" based on the interest of several committee members. She presented a revised work plan and time line for the committee's consideration. (Attachment 5)

A motion was made, and seconded, to continue the BRC meetings until June to discuss topics based on the revised work plan, and provide for an option of extending meetings past June if desired. The committee discussed the motion.

There was concern by some members that the revised work plan did not include all of the topics that were originally before the committee and felt that those topics should not arbitrarily be dismissed. Ms. Boltin-Kelly indicated that the agency would still like for the committee to discuss and make recommendations for each of the topics if they were willing to commit additional time to the process. A committee member noted that one reason for the lack of progress to date was the inability to establish a quorum at many of the meetings. The Chairman agreed to explore options for meeting times and locations to increase

participation by committee members. It was also suggested that members unable to commit additional time consider resigning from the committee to decrease the participation needed to establish a quorum.

A motion was made, and seconded, to amend the previous motion to include all original BRC topics in the revised work plan and determine in June if additional meetings are needed to complete the work. The amended motion passed. According to the revised work plan and this motion, the next topics to be discussed will be “Roles of Local Governments” followed by “Emergency Orders and Sandbag Issues.” The remaining original BRC topics will be discussed subsequently.

Regulations within the State’s Jurisdictional Setback Area - Presentation by Bill Eiser, DHEC-OCRM Staff Oceanographer

Mr. Eiser reviewed information regarding regulations within the state’s jurisdictional setback area, including size limitations on habitable structures. (Attachment 6) He reminded the committee that the setback area is not a “no-build” zone, and property owners can rebuild structures within this area to their original size if destroyed. Mr. Eiser provided a visual reference of the 20 foot setback distance. He also presented aerial photographs of several coastal communities illustrating the current jurisdictional lines, and the proposed 50 foot and 100 foot setback distance options.

COMMITTEE DISCUSSION:

Minimum Setback Distance Options

The BRC was provided with options for maintaining the current minimum setback distance of 20 feet, or increasing the minimum distance to 50 feet or 100 feet. Information regarding the number of additional habitable structures that would be affected by an increase in the setback area was provided, along with the current activities that are allowed and prohibited in this area. (Attachment 7).

The committee discussed the purpose of increasing the setback line given that existing structures are still allowed to be rebuilt. Staff indicated that an increase would limit the size of new construction on vacant lots and would prohibit seawalls within a greater area. One member stated that South Carolina has a much less restrictive setback area than most states. Many states have a “no-build” zone that extends much farther inland than 20 feet.

The impact to existing structures within an increased setback area was discussed. Some members expressed concern that an increase in distance may raise private insurance premiums, and/or decrease discount credits through the National Flood Insurance’s Community Ratings System (CRS) program. It was expressed by some members that living on the beachfront has associated risks, and a rise in private insurance rates shouldn’t outweigh the need to increase the setback area if it benefits the public. Members requested additional information regarding the CRS program and potential unintended consequences of increasing the setback distance.

Members inquired about the real estate disclosure requirements for beachfront properties. Staff stated that current requirements of disclosure include the erosion rate of the property, the existing positions of the baseline and setback lines, and whether the structure on the property is affected by those lines. It was questioned whether those requirements should be strengthened. Staff informed the committee that the Shoreline Change Advisory Committee (SCAC) provided a recommendation for BRC consideration to expand real estate disclosure requirements for beachfront properties. This SCAC recommendation will be further discussed at a future meeting of the BRC.

The committee asked for the recommendation of DHEC-OCRM staff regarding the increase in the setback distance. Ms. Boltin-Kelly stated that staff agreed with the recommendation of the SCAC to increase the minimum setback distance to 50 feet. She requested that the committee consider, at a

minimum, increasing the setback distance along the unstabilized inlet areas of the coast. She provided the committee members with alternate information on the number of habitable structures that would be impacted with an increase in the setback area in unstabilized inlet zones only. (Attachment 8)

Some members suggested that the committee consider a recommendation to prohibit construction of seawalls outside of the setback area instead of increasing the setback area distance. Staff cautioned that the agency does not have jurisdiction outside of the setback area to limit such structures and is concerned with enforcing such a prohibition given this limited authority.

A motion was made, and seconded, to adopt the following SCAC recommendation as a recommendation of the committee: *The minimum beachfront setback should be increased to 50 feet from the baseline (for all beach and inlet zones).*

The motion passed with six members voting in favor of the motion and 5 members voting against. Members voting in favor were Burdette, Eagle, Hagood, Jones, Perry and Young. Members voting against were Campbell, Herbkersman, Kremydas, Otis and Peeples.

The Chairman stated that the recommendation will be presented in the final report with opposing viewpoints detailed.

Size Limitation of Habitable Structures in the Setback Area

Mr. Eiser provided the committee with information regarding discrepancies between statute and regulation regarding size limitations of habitable structures in the setback area. He cited the statute (§48-39-290(B)(1)(a)(i)) which requires: "The habitable structure is no larger than five thousand square feet of heated space". This law was compared to the regulation (R. 30-13(B)(2)) that states: "That portion(s) of the habitable structure seaward of the setback line is no larger than five thousand square feet of heated space". Mr. Eiser indicated that the agency currently follows the regulation for habitable structures within the setback area. The committee was asked if they wished to make a recommendation to modify the regulation or the statute to make them congruent.

The committee discussed the original intent of the statute, and the challenges of enforcing activities outside of the state's jurisdiction.

A motion was made, and seconded to amend the statute to conform with the regulation to state: "That portion(s) of the habitable structure seaward of the setback line is no larger than five thousand square feet of heated space."

The motion passed with seven members voting in favor of the motion and 3 members voting against. Members voting for the motion were Burdette, Eagle, Herbkersman, Jones, Kremydas, Otis, and Peeples. Members voting against were Hagood, Perry, and Young.

The recommendation will be presented in the final report with opposing viewpoints detailed.

Legal Perspectives on State and Local Beachfront Management

Mr. Eagle was made available to answer any questions from the committee regarding "home rule" and a local government's ability to manage the beachfront within the state's jurisdiction. Mr. Eagle affirmed the members' understanding that a local government may establish laws within this area that are stricter than those of the state. However, laws may not be more lenient unless specifically allowed by state law.

MEETING WRAP UP:

The next meeting was scheduled for Tuesday, February 21st from 9:30 a.m. until 2:00 p.m. in the DHEC 3rd floor conference room at 1362 McMillan Avenue in Charleston. Lunch will be provided for the BRC members.

The subsequent meeting was scheduled for Tuesday, March 13th from 9:00 a.m. until noon in Columbia.

Mr. Jones adjourned the meeting at 11:25 a.m.

Attachments:

- 1 Agenda
- 2 Sign-in Sheet
- 3 Public Comment / BRC member letters
- 4 Retreat Document by Mayor Otis
- 5 Proposed Revised BRC Work Plan
- 6 Habitable Structure Size Limitations within Setback
- 7 Proposed Minimum Setback Distance Options (All zones and Inlet zones)



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

Blue Ribbon Committee on Shoreline Management

January 17, 2012

*The Gressette Building, Room 406
1101 Pendleton Street
Columbia, SC 29201*

AGENDA

9:00 am **Welcome and Introductions**

Wes Jones, Chair

Action: Approval of October 4 and October 27 Meeting Notes

9:15 **Public Comment Period**

9:30 **DHEC-OCRM Briefing**

- Carolyn Boltin-Kelly, DHEC-OCRM Deputy Commissioner
- Mr. Bill Eiser, DHEC-OCRM

10:00 **New Business**

- Blue Ribbon Committee Discussion of Setback Area Options
- Legal Perspectives on State and Local Beachfront Management
Josh Eagle, USC School of Law

11:45 **Next Steps**

Carolyn Boltin-Kelly

12:00 pm **Adjourn**

Blue Ribbon Committee on Shoreline Management
 Tuesday, January 17, 2012
 406 Gressett Building, Columbia, SC

PLEASE PRINT

PLEASE CHECK
 IF MAKING
 PUBLIC COMMENT

NAME	REPRESENTING	MAILING ADDRESS or E-MAIL	
PAUL BLUST	NORTH MYRTLE BEACH	1801 2ND AVE S, NMB	peblust@nmb.us ✓
SKIP SKEEN	MYRTLE BEACH	6005 NORTH OCEAN BLVD	skseem150@aol.com
DAN PERRY	DNR	PO BOX 167 COLUMBIA 29923	perryb@dnr.sc.gov
Christi McGregor	THE	2251 DEWINE ST. COL 29201	cmcgregor@mc.com
Sandy Steen	Isle of Palms		Sandy@islandreality.com
LEE MIKE SOTTUS	WAS CO.		✓
Sunny Truesdell	THE STATE NEWSPAPER		
Sandra Chourey	Bluffton Today		

Coastal Mayors Coalition

January 10, 2012

Chair and Members of the Blue Ribbon Committee:

Each of us is aware of the work of the Blue Ribbon Committee and the importance of that work as it relates to our coastal islands. Mayor Bill Otis has kept us informed of the committee's initiatives as well as his work contributing to those initiatives. Recommendations that may ultimately result from the Blue Ribbon Committee's work will likely influence the promulgation of future state regulations affecting the management of each of our beaches.

In that regard, as a group we have met and discussed suggested language for an amendment to the policy which we feel more closely represents environmental stewardship over our beaches. We feel that the word "retreat" is not applicable to the developed beaches. We urge you to consider removal of the word "retreat" in the statement of policy and replace it with the word "preservation." Further, remove the word "retreat" from the Statutes and Regulations and replace it with "preservation."

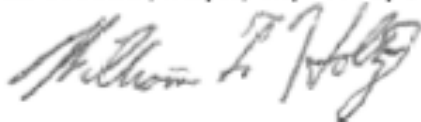
Since the next meeting of the Committee is scheduled in Columbia and not near the coast, it may be difficult for representatives of the coastal, island communities to be present. This communication is intended to ensure that our collective voice is heard.



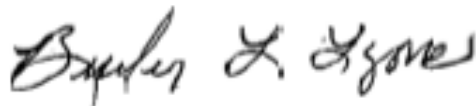
Dick Cronin, Mayor, City of Isle of Palms



Tim Goodwin, Mayor, City of Folly Beach



Bill Holtz, Mayor, Town of Seabrook



Burley Lyons, Mayor, Town of Edisto Beach



G. Steven Orban, Mayor, Town of Kiawah Island



Carl Smith, Mayor, Town of Sullivan's Island

Mike Sottile

District No. 112 - Charleston County
132 Sparrow Drive
Isle of Palms, SC 29451
Tel. (843) 886-8759
Fax (843) 881-8891



House of Representatives

State of South Carolina

1105 Pendleton Street
306-D Blatt Building
Columbia, SC 29201
Tel. (803) 212-6880
Fax (803) 734-2925

Committee:

Judiciary

Subcommittee:

Special Laws

January 11, 2012

Mr. Wes Jones, Chair
Blue Ribbon Committee on Shoreline Management
% Ms. Carolyn Boltin-Kelly, DHEC-OCRM Deputy Commissioner
SC Department of Health and Environmental Control
Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, SC 29405

Dear Mr. Jones:

As a former mayor of a barrier island and now a member of the South Carolina House of Representatives (District 112, Charleston County), I would like for my comments presented in this letter to go on record for the January 17, 2012 meeting of the Blue Ribbon Committee on Shoreline Management.

I have been in contact with the members of the Coastal Mayors' Coalition in Charleston County regarding the issues to be addressed. It is the consensus of this Coalition that the suggested language for an amendment to the Statutes and Regulations policy be changed to insert the word "**preservation**" in place of "**retreat**". The Coalition believes that the word "**retreat**" is not applicable to the developed beaches. I am in agreement with this change as well.

Thank you for the dedicated work of your committee. Please feel free to contact me should you have any questions or wish to discuss this matter with me further.

Sincerely,

A handwritten signature in blue ink that reads "F. Michael Sottile".

F. Michael Sottile

mikesottile@shouse.gov

January 17, 2012

THE COASTAL ALLIANCE

C/O Town of Surfside Beach
115 Highway 17 North
Surfside Beach, SC 29575-6034

Chairman: Mayor Allen Deaton
Phone: 843-222-2652
E-mail: allendeaton@surfsidebeach.org

Friday, January 06, 2012

Senator Ray Cleary
1625 Glenns Bay Road
Surfside Beach, SC 29575

Representative Tracy Edge
1423 Edge Drive
North Myrtle Beach, SC 29582

Mayor Bill Otis, Jr.
321 Myrtle Avenue
Pawleys Island, SC 29585

Dear Honorable Sirs:

We are writing to inform you of our stance on a number of issues slated for discussion at the next scheduled OCRM BRC meeting on January 17, 2012 in Columbia. We regret that we cannot personally be in attendance but the Annual Mayor's Conference in Washington, D.C. precludes that possibility. We trust you will make our voices heard on the following issues.

- ▶ We support a change in the overall use of the word "retreat".
 - We feel that it is important for the word "retreat" to be removed from the statement of policy and replaced with the word "preservation".
 - We feel that the word "retreat" should also be removed and replaced with the word "preservation" in the statutes and regulations.
- ▶ We feel that it is critical for the issuing of "special permits" to be continued.
- ▶ Since each municipality has specific challenges with regard to topography and property rights, our preference is to be empowered to manage our own oceanfront resources, including setbacks. We would be opposed to an across the board, one size fits all increase in setbacks.

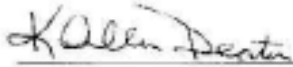
We believe that every issue we have mentioned above has the potential to significantly impact tourism in Horry County, so it is with an abundance of concern that we are writing this letter to you, our representatives on the OCRM BRC. Please know that we greatly appreciate all the time you have spent as a collective body on these important matters and trust that you will effectively communicate our perspective to the Committee.



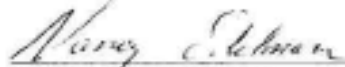
Serving the interests of the coastal region ...

THE COASTAL ALLIANCE

Sincerely,
The Coastal Alliance



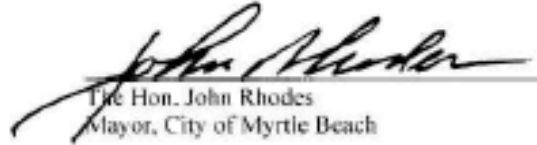
The Hon. K. Allen Deaton
Chairman, Coastal Alliance
Mayor, Town of Surfside Beach



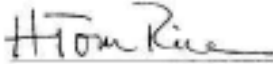
The Hon. Nancy Edleman
Councilwoman, Town of Briarcliffe Acres



The Hon. Marilyn B. Hatley
Mayor, City of North Myrtle Beach



The Hon. John Rhodes
Mayor, City of Myrtle Beach



The Hon. Tom Rice
Chairman, Horry County Council



The Hon. Reatha Pierce
Mayor, Town of Atlantic Beach

AD:mf



Serving the interests of the coastal region ...

Correspondence from BRC Member Terry Richardson received via e-mail January 16, 2012

Dear Fellow Committee Members –

I regret that I will not be able to attend the January 17th meeting of the Blue Ribbon Committee but I have a work conflict out of state that requires my attention. Therefore, I am sending this letter in advance of the meeting to share my thoughts pertaining to the recommendations on the state's beachfront jurisdictional area (e.g. setback area) which the committee is scheduled to discuss and to provide my initial thoughts on the correspondence that the Committee received from the Coastal Mayors Coalition regarding the term "retreat".

First, let me say, that I am honored that I have been able to serve on the Committee for the last nine months and I am encouraged by the healthy discussions we've had over the recommendations for our critical coastal zone areas. As a beachfront homeowner on Edisto Island, I have seen first-hand the impacts that both nature and man have had on our coasts and it is apparent to me that the regulations and statutes that have been in existence for the last 30 years, particularly those related to retreat and jurisdictional setbacks, need to be renewed and/or strengthened because they have not been as impactful as we would have hoped. This is illustrated by recent storms, like Hurricane Irene, which skirted the South Carolina coast in August of 2011, yet caused significant erosional damage to Folly Beach. Sadly, numerous homes are in jeopardy because of this erosional damage, which could require millions of taxpayer dollars for bail out. Yet we continue to enable development in these highly transitional areas, instead of recognizing these occurrences as examples of why we should secure and enhance our setback regulations and identify mechanism for post storm action that supports the state's policy of retreat. The beach-dune system is of economic and natural value to all citizens of the state, therefore, the Committee should go on record supporting legislation that prohibits bailouts when private individuals build in the face of these known risks.

Therefore, after reading the information provided to the Committee pertaining to the state's beachfront jurisdictional authority, I would submit the following recommendations for your consideration. First, I strongly agree with the Shoreline Change Advisory's suggestion of increasing the minimum setback distance from 20 feet to 50 feet due to projections of accelerated sea level rise and increasing numbers of intense storms. The current policy has done nothing to discourage or limit the number and size of buildings or placement of erosion structures, such as seawalls, right outside of the setback area. However, I understand the concerns that have been raised by others on the Committee regarding personal property rights, so I would respectfully suggest that at a minimum, we recommend an increase in the setback area from 20 to 50 feet for hardened erosion control structures. This supports the state's current regulations that disallow hardened structures and help to mitigate future challenges.

Second, I recommend that we modify R.30-13(B)(2) to make it consistent with the statute that requires that if part of new habitable structure is constructed seaward of the setback line, the total structure must be no larger than 5,000 sq ft of heated space (SC Code §48-39-290(B)(1)(a)(i)). As noted in prior meetings, one of the tasks that the Committee has been charged with tackling is to provide clarity to OCRM staff on certain policies pertaining to the coastal zone. It is apparent that, in this case, consistency is needed between the relevant regulation and statute, so that habitable structures that are located completely within the setback area and those that straddle the setback line are limited to 5,000 square feet, as intended by the statute.

Finally, in response to the letter from the Coastal Mayors Coalition, I respectfully disagree with the removal of the word "retreat" from the statement of policy and from the Statutes and Regulations. The Committee has had significant discussions on this issue and while I appreciate the input from the mayors, I believe that if we did what is suggested in this letter, we would be digressing from the intent and goals of the Coastal Zone Management Act and we would be doing a disservice to our coastal communities. As stated at the October meetings by OCRM staff and others, we are unclear of the unintended consequences that could arise from replacing this word. Further, I am unclear on the definition of the word "preservation" --are we preserving the "healthy beach/dune ecosystem" or the structures located on the beach, or both. At this time I think that the committee will be better served by concentrating on clear opportunities to clarify and enhance the Act rather than focusing on definitions.

In closing, I am disappointed that I will not be able to participate in tomorrow's meeting because I believe we have the opportunity to come to agreement on a number of important recommendations that would have a great impact on our coastal resources. However, I hope my comments will be considered when discussing the beachfront "setback areas" and in any further discussions on the state's retreat policy. I look forward to participating in the next meeting.

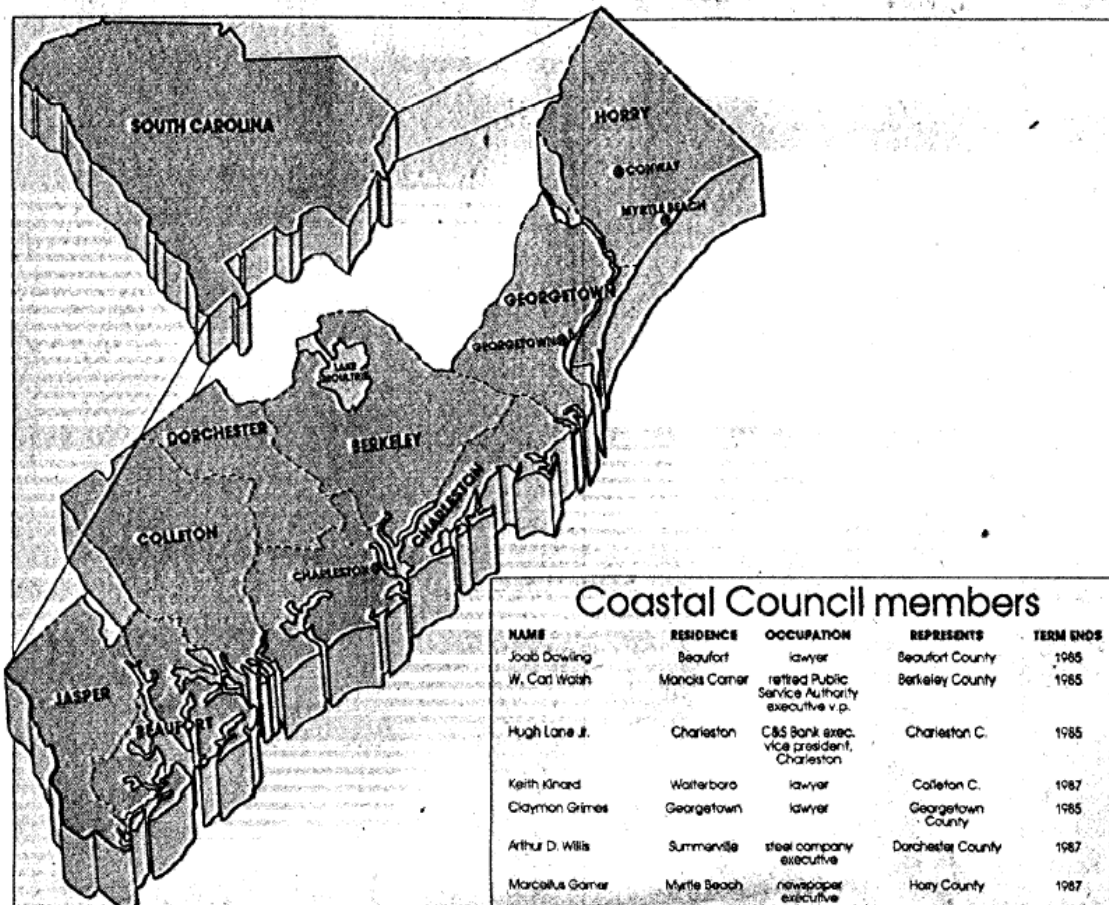
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Editorials • Letters

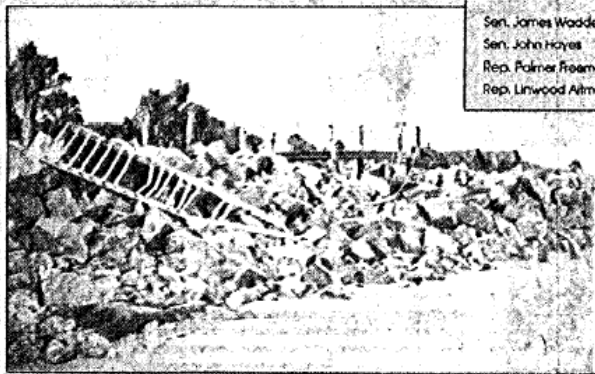
Sunday, March 3, 1985

Section C

A balancing act:



The map above shows counties whose coasts and tidelands fall under the jurisdiction of the South Carolina Coastal Council.



The walkway along this riprap barrier, which is used to control erosion at Hilton Head Island, has been destroyed.

Booming development along South Carolina's coast means that the state's Coastal Council is feeling the heat.

By Phyllis Pringle
Charleston correspondent

CHARLESTON — Since 1977, the South Carolina Coastal Council has regulated the state's beaches and tidelands, handing down decisions that affect the general public, investors in multimillion-dollar projects and even individual property owners who just want to build a dock or erect a walkway on a dune.

But it has been only recently that the council has been criticized regularly by some and praised regularly by others for its decisions on many controversial issues, among them a proposed oil refinery on Winyah Bay, a bridge over the marsh at Litchfield Beach, the re-diking of former rice fields near Charleston and Georgetown, the erection of erosion control devices on various beaches, and marina applications.

And because South Carolina's relatively pristine, 130-mile coast is expected to continue to attract both large and small-scale investors, the Coastal Council probably will become even more visible. And decisions of appointees to the Coastal Council will affect increasing numbers of South Carolinians.

By the year 2000, according to recent demographic projections, 60 percent of all Americans will live within 40 miles of a coast.

"The whole population is shifting," said Patricia Battey, the 1st Congressional District's representative on the Coastal Council.

Also by the year 2000, populations in the coastal counties of Berkeley, Dorchester and Horry are expected to grow more than 70 percent, said the December report of the Governor's Council on Natural Resources and the Environment.

And prominent geologist Orrin H. Pilkey Jr., co-author of a 1984 book, "Living With the South Carolina Coast," believes that South Carolina is heading for trouble. In a time of booming coastal growth, he says, there is no statewide plan for dealing with the inevitability of a rising sea level and a receding shoreline. Both are occurring worldwide, and although erosion-control structures may save buildings temporarily, they also destroy beaches, Pilkey said.

"Look at Hilton Head, the so-called epitome of environmental development," he said. "The beach is very much diminished in places where the sea wall is, and in some numbers of years, the beach is going to be gone."

Pilkey and others have called on the Coastal Council to prevent the disappearance of South Carolina's beaches by denying permits for sea walls and establishing a more stringent setback line to prevent construction in vulnerable areas.

But the Coastal Council's jurisdiction ends just behind the primary oceanfront dune, which means that "our jurisdiction on beach development is practically non-existent," said Coastal Council Deputy Director Christopher McG. Holmes. Only the General Assembly can grant wider jurisdiction to the council, he said.

An alternative, according to Holmes, is for county and municipal governments along the coast to use their powers. In Myrtle Beach, for example, a 34-foot mandatory setback line was set last fall for all new oceanfront buildings.

Under state law, the Coastal Council has two types of jurisdiction. It has direct permit authority over development and other activities in the four critical areas of the coastal zone — coastal waters, tidelands, beaches and primary oceanfront dunes. It also looks at developments that require permits from other state or federal agencies to see if those developments would comply with the council's management program.

Some have said the management program, designed to balance economic development with environmental conservation, is not workable because

Coastal Council members

NAME	RESIDENCE	OCCUPATION	REPRESENTS	TERM ENDS
Joab Dowling	Beaufort	lawyer	Beaufort County	1985
W. Carl Walsh	Moncks Corner	retired Public Service Authority executive v.p.	Berkeley County	1985
Hugh Lane Jr.	Charleston	CBS Bank exec. vice president, Charleston	Charleston C.	1985
Keith Kinard	Walterboro	lawyer	Colleton C.	1987
Clayton Grimes	Georgetown	lawyer	Georgetown County	1985
Arthur D. Willis	Summerville	steel company executive	Dorchester County	1987
Marcellus Garner	Myrtle Beach	newspaper executive	Horry County	1987
Walter Bader	Ridgeland	timber farmer	Jasper County	1985
Patricia Battey	Beaufort	housewife	1st Congressional Dist.	1985
Marvin Davidson	Columbia	Tax Commission administrator	2nd Congressional Dist.	1987
Jack Saury	Greenwood	doctor	3rd Congressional Dist.	1989
Ed Yarborough Jr.	Jarvisville	lawyer	4th Congressional Dist.	1985
James O. Leisher Jr.	Rock Hill	contractor	5th Congressional Dist.	1985
C.C. Huffman	Kingstree	Highway Dept. engineer	6th Congressional Dist.	1985
Sen. James Waddell Jr.	Beaufort	lawyer	Senate	variable
Sen. John Hayes	Rock Hill	lawyer	Senate	variable
Rep. Palmer Freeman	Fort Mill	lawyer	House	variable
Rep. Linwood Altman	Pawleys Island	Realtor	House	variable

See Coastal, Page 4C

Coastal

the two goals are mutually exclusive.

And those same critics say the council is weighted toward developers, is politically influenced and often ignores the recommendations of its 30-member staff, which includes engineers, planners, biologists and lawyers.

"The South Carolina Coastal Council has slowed down the rate of destruction," said Roger Humphrey, coastal zone chairman for the S.C. League of Women Voters. "Its proper function would eliminate most of the intrusion of development in (to) coastal life."

But R. Mac Burdette, director of planning for the Coastal Council, said much criticism directed at the council stems from confusion about its mandate and the limits of its jurisdiction.

"The public often thinks we should stop development, for example, on Daufuskie Island," he said. "They expect us to go beyond what the law says we can do."

"There is no law in this state that can stop someone from developing property he owns if he meets the proper state and local criteria," Burdette said.

"It's a balancing act, and it's hard," said Betty Spence, executive director of the South Carolina Wildlife Federation. "Conservation is not preservation. Sometimes John Q. Public believes everything must be preserved. Well, we'd still be in the Stone Age if that had been done."

Some people also have said that the majority of the Coastal Council's decisions over the past two years have not been in the public interest, said D. Reid Wiseman, a Charleston biologist.

The council's permitting regulations state that "public interest" refers to the effects a project would have on the general public, "especially residents of South Carolina who are not the owners and/or developers of the project."

"(The) Coastal Council certainly doesn't seem to refer to this much," said Columbia lawyer James S. Chandler, who represented the Wildlife Federation in a lawsuit contesting council certification of the proposed oil refinery on Winyah Bay in Georgetown County.

"So many of the opinions seem to be if it's going to make some money for somebody, that's in the public interest," he said.

Coastal Council members respond to critics by saying that the panel has accomplished many things and taken on many special projects that were in the public interest.

The council has developed a comprehensive storm-water management program; implemented a plan for hurricane preparedness; prepared shore-front and special management plans in conjunction with local governments; and mapped the state's shoreline movement, oyster grounds and wetlands.

The agency also has administered distribution of state bond monies — \$600,000 for beach ero-

sion control and \$750,000 for beach access programs — in the past two years.

Hubert E. Yarborough III, a Coastal Council member and a Greenville lawyer, said that he considers the council's most important accomplishment to be increased public awareness of the problems of coastal development.

"In general, the Coastal Council is doing a pretty good job," said Roger L. Banks, field supervisor of the National Fish and Wildlife Service's Charleston office. "Where we come to odds is the action they take on selected large projects, such as waterfowl conservation."

But Banks said when an issue goes before the council, it is easy to predict the outcome, because "the pro-development faction far outweighs the environmental faction."

Yarborough agrees. "We seem to be balanced more toward development than toward environmental," he said, adding that if the public wants to change that, other people should be appointed to the council by elected councils and officials.

W. Carl Walsh, vice chairman of the Coastal Council, said he "heartily denies" accusations of political influence or pro-development bias, calling council members "as fine a group of people as you'll find on any council of this kind in the state of South Carolina or any other state for that matter, and all you have to do is check the background of each of them."

Eight members of the Coastal Council are appointed by county

councils in the state's coastal counties. Each of the six members who represents a congressional district is nominated by legislators and appointed by the lieutenant governor. The remaining four members are legislators; two are appointed by the House and two by the Senate.

The report of a 1984 federal evaluation team, which monitors the council's actions because some federal funds are involved, commends the council for its work in defining standards for impoundments and marinas and for beginning to articulate a setback line where it has that authority.

Team leader John H. McLeod said monitoring and enforcement activities of the council "probably (are) the finest in any state." But he added that improvement is needed in certification and making the public aware of the council's procedures.

Interested citizens are allowed to address the council during the 10 minutes allotted during committee meetings at which permits are issued and during 10 to 15 minutes set aside three times a year at the council's regular meetings.

"The public really needs to get involved and understand the issue," Burdette said. "Sometime the public is going to realize the beach is theirs, that owners of beach property don't have a monopoly, and if something is done against the public interest they need to act on it."

Wayne L. Beam, the Coastal Council's executive director, says the council is open and responsive. "No decisions are made behind

closed doors," he said. "It's certainly an open process, open to influence by a lot of people."

The council faces many challenges as different pressures come to bear on the coastal area. It faces decisions on recreation projects, commercial fishing, residential and resort development, erosion control, marinas, aquaculture and mariculture and waterfowl conservation.

And Sen. James Waddell, chairman of the Coastal Council since its inception, said the toughest problem in the next decade will be accommodating the sheer numbers of people demanding the use of coastal resources.

Two lawsuits are pending concerning one of the most controversial of current coastal zone issues, the use of former rice fields, or impoundments, for waterfowl preserves and aquaculture. There are approximately 70,000 acres of marsh impoundments in the state, about 18 percent of the coastal wetlands.

Another 74,000 acres formerly were impounded. Opponents say re-impoundment will hurt water quality, harm marine organisms and close navigable waterways to the public.

The Coastal Council staff handles routine permit applications and is expected to process 526 permits in fiscal year 1984-85, a 35 percent increase over last year.

Because of the increase, the council has asked the General Assembly for \$185,000 more than it was allocated for fiscal 1984-85.

Application fees range from \$50

for a private dock to \$500 for a marina or industrial project. These monies, which came to \$47,750 last year, are applied to the state's portion of the agency's budget. For 1984-85, the Coastal Council's budget totals \$1.6 million, 45 percent of it federal money.

And the Reagan administration is considering cutting funding for the Coastal Zone Management Act, the 1972 law that provided money to encourage states to set up coastal-zone management programs.

If the federal money is cut and the state does not make up the shortfall, the council will be hard-pressed to keep up with the ever-increasing number of permit applications it receives, staff members say.

Ten of the council's 14 non-legislative members are up for reappointment July 1. Dr. Charles T. Wallace, former chairman of Charleston's County Council, said anyone interested in serving on Coastal Council should write to his county governing body.

Some have said that the public should elect Coastal Council members. But Wallace questions whether an elective system would result in better representation.

Meetings are held once a month, usually rotating between Myrtle Beach, Beaufort, Columbia, Charleston and Hilton Head. Members receive a mileage allowance, a subsistence allowance for lodging and meals, and a per-diem payment of \$35 for non-legislators and \$50 for legislators.

MOTION REMOVING THE WORD "RETREAT" FROM THE STATE OF SOUTH CAROLINA STATUTES – NOVEMBER 15, 2011

SECTION 48-39-250. Legislative findings regarding the coastal beach/dune system.

(6) Erosion is a natural process which becomes a significant problem for man only when structures are erected in close proximity to the beach/dune system. It is in both the public and private interests to afford the beach/dune system space to accrete and erode in its natural cycle. This space can be provided only by discouraging new construction in ~~close proximity to the beach/dune system, and encouraging those who have erected structures too close to the system to retreat from it.~~

SECTION 48-39-260. Policy statement.

(2) create a comprehensive, long-range beach management plan and require local comprehensive beach management plans for the protection, preservation, restoration, and enhancement of the beach/dune system. These plans must promote wise use of the state's beachfront. ~~to include a gradual retreat from the system over a forty-year period;~~

SECTION 48-39-280. Forty-year retreat policy.

(A) A forty-year policy of ~~retreat from preservation~~ of the shoreline is established. The department must implement this policy and must utilize the best available scientific and historical data in the implementation. The department must establish a baseline which parallels the shoreline for each standard erosion zone and each inlet erosion zone.

(2) The baseline for inlet erosion zones that are not stabilized by jetties, terminal groins, or other structures must be determined by the department as the most landward point of erosion at any time during the past forty years, unless the best available scientific and historical data of the inlet and adjacent beaches indicate that the shoreline is unlikely to return to its former position. In collecting and utilizing the best scientific and historical data available for the implementation of the ~~retreat preservation~~ policy, the department, as part of the State Comprehensive Beach Management Plan provided for in this chapter, among other factors, must consider: historical inlet migration, inlet stability, channel and ebb tidal delta changes, the effects of sediment bypassing on shorelines adjacent to the inlets, and the effects of nearby beach restoration projects on inlet sediment budgets.

(B) To implement the ~~retreat- preservation~~ policy provided for in subsection (A), a setback line must be established landward of the baseline a distance which is forty times the average annual erosion rate or not less than twenty feet from the baseline for each erosion zone based upon the best historical and scientific data adopted by the department as a part of the State Comprehensive Beach Management Plan.

SECTION 48-39-350. Local comprehensive beach management plan

(A) The local governments must prepare by July 1, 1991, in coordination with the department, a local comprehensive beach management plan which must be submitted for approval to the department. The local comprehensive beach management plan, at a minimum, must contain all of the following:

(9) a detailed strategy for achieving the goals of this chapter ~~by the end of the forty-year retreat period. Consideration must be given to~~ including consideration of relocating buildings, removal of erosion control structures, and relocation of utilities;

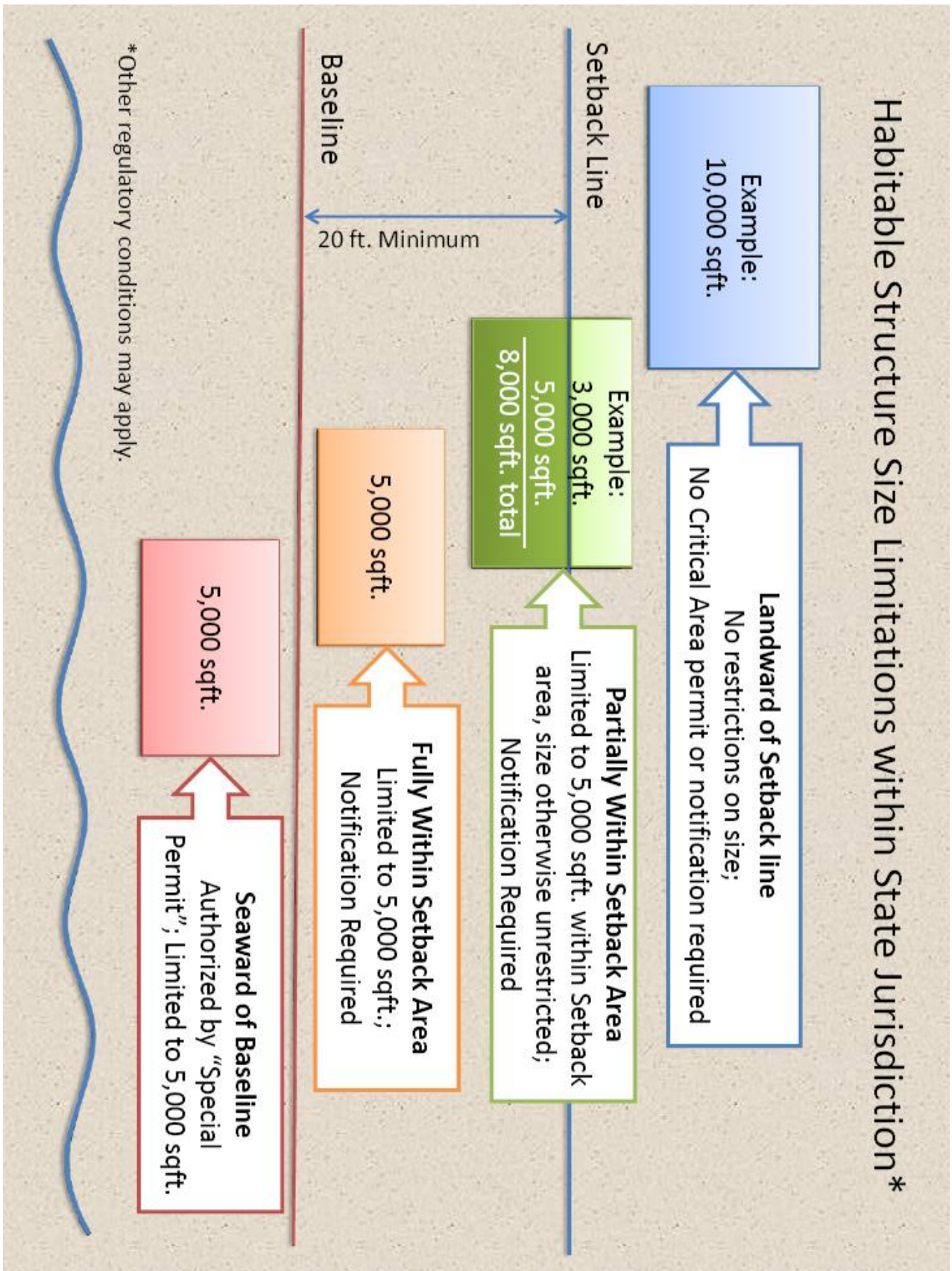
Proposed New Work Plan

Revised Committee Work Plan and Time Line

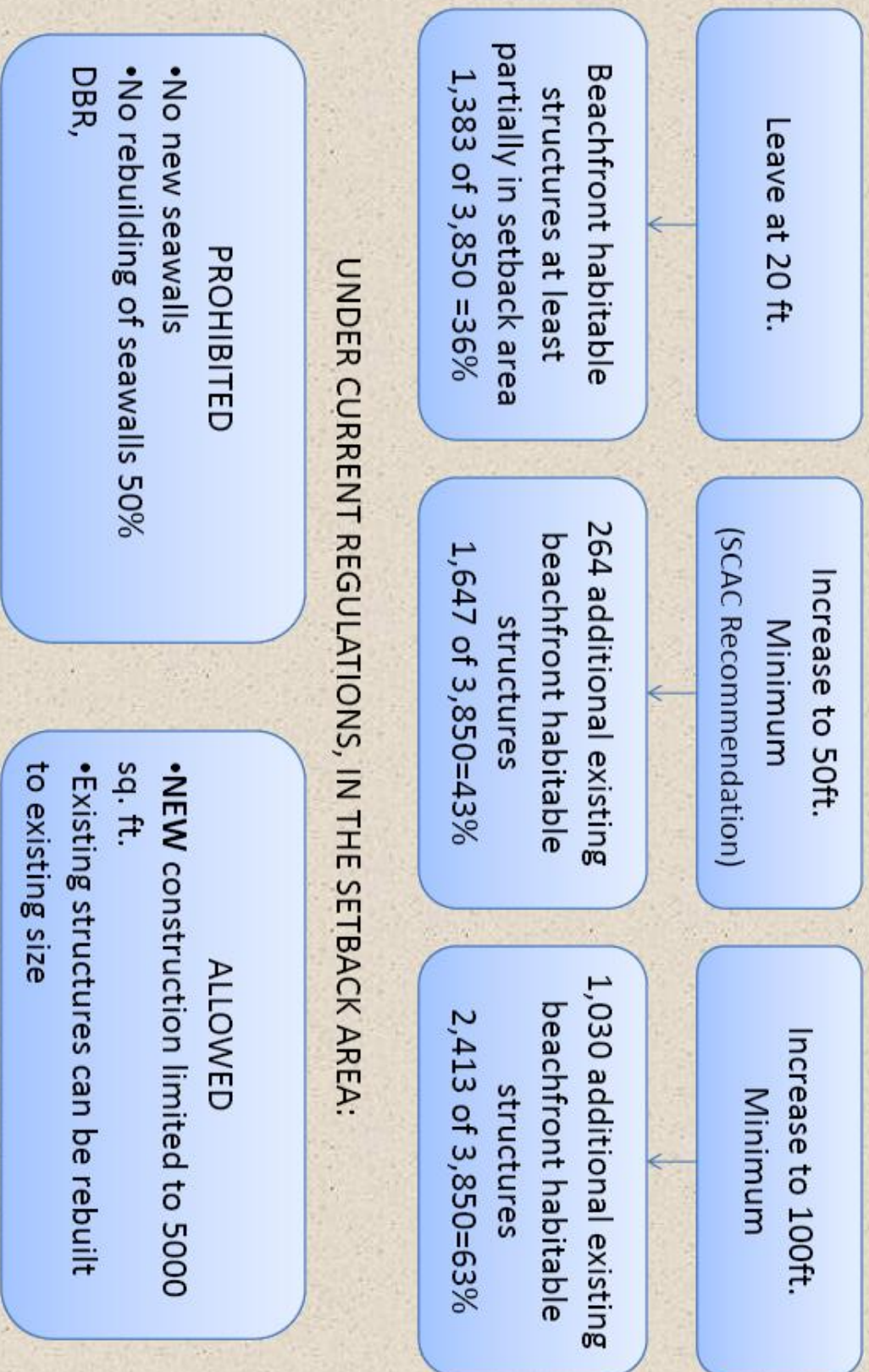
January 2012	State Beachfront Jurisdictional Area (“Setback Area”)
February	Role of Local Government in Beachfront Management
March	Beachfront “Emergency Orders” and Sandbag Issues
April	Beachfront “Emergency Orders” and Sandbag Issues (continued)
May	Wrap up Meeting
June	Wrap up Meeting (continued)
July	Review/Approval of Draft Recommendations
August	Review/Approval of Final Draft Report
September	Final Draft Report released for Public Comment



Final report anticipated Fall 2012



Minimum Setback Distance Options



Minimum Setback Distance Options for Unstabilized Inlet Zones Only

